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Remarks

The claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. Claims 9 and 18 have been canceled. New claims have been added to provide adequate coverage for Applicants' contribution to the art. The amendments are clearly supported by the original disclosure, particularly at original paragraphs [75], [80], [84], [85], [87], [89], [112], [117], and [118].

Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The present invention provides an apparatus and method which can accumulate different types of individual articles. Generally stated, the apparatus includes a delivery device which provides an initial-plurality of an initial-type of individual articles, and at least a first-accumulator mechanism which is automated to provide a first-plurality of a first-type of individual articles. The first-type of articles differ from the initial-type of articles, and the first accumulator mechanism includes a first metering drum. At least a first-transport-device moves the first-plurality of articles to a first packing location; and an automated assembly mechanism is configured to operatively combine the first-plurality of articles with the initial-plurality of articles. In a method aspect, a method for accumulating different types of individual articles includes delivering an initial-plurality of an initial-type of individual articles, and automating a first-accumulator to provide a first-plurality of a first-type of individual articles. The first-type of articles differs from the initial-type of articles, and the automating of the first-accumulator includes delivering the first-type of individual articles with a rotatable metering drum. The first-plurality of articles are moved to a first packing location and operatively combined with the initial-plurality of articles by employing an automated assembly mechanism. Further aspects of the invention are set forth in the specification and claims.

Claims 1-3 and 11-13 have been alleged to be unpatentable under 35 U.S.C. § 103 over U.S. Patent 6,658,813 to Clay (Clay) in view of U.S. Patent 5,771,658 to Olson et al. (Olson). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Clay discloses combined packages including a plurality of complementary containers. A first such container is a first generally rectanguloidal container that contains a first item and a second such container is a second generally rectanguloidal container that contains a second item that is different from and complementary to the first item. A packaging material at least partially surrounds each of the containers, thus holding the container in mutual abutment. A combined package can also include an adhesive between the containers that holds a face of the first container and a face of the second container in mutual abutment. To facilitate palletizing the combined packages, the

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overall shape of the combined package can be generally rectanguloidal. The first container can have a plurality of faces, each of which is generally coplanar with a respective face of the second container. Apparatus and methods for manufacturing such combined packages are also disclosed.

Olson discloses a packaging apparatus comprising a first infeeder supplying a first stream of articles; a second infeeder supplying a second stream of articles; and a selector having a plurality of spaced flight bars intersecting the first and second article streams at a predetermined angle. The flight bars form a stream of spaced, stacked article groups, each the stacked article group comprising a lower and an upper article subgroup. In a preferred embodiment, the continuous apparatus for forming and packaging stacked article groups comprises

- (a) a first article infeeder for supplying a first stream of articles in a first travel path;
- (b) a second article infeeder for supplying a second stream of articles in a second travel path;
- (c) an article group selector having a longitudinal third travel path intersecting the first and second article infeeder travel paths an equivalent angle, the selector having a plurality of spaced, transversely oriented and fixed flight bars intersecting the first and second article streams, the flight bars forming a stream of spaced, stacked article groups, each the stacked article group comprising a lower and an upper article subgroup;
- (d) means to deposit a divider member between the upper and lower article subgroups;
- (e) a carton supplier having a longitudinal fourth travel path parallel to the selector travel path, the carton supplier forming a stream of cartons with open ends facing the article groups on the selector; and
- (f) a continuous side loading mechanism having a plurality of loader heads fixed at spaced intervals on endless means disposed about a plurality of drive/idler means, the loader heads being synchronized to contact and move a stacked article group on the selector to a carton on the carton supplier, the loader heads, endless means and drive/idler means being constructed and arranged to form a sloping face whereby the loader heads approach the stacked article groups at an angle and continuously contact the stacked article groups while moving transversely and longitudinally.

A proper combination of Clay and Olson, however, does not disclose or suggest an apparatus or method in which a first accumulator mechanism includes a first rotatable metering drum, as called for by Applicants' currently presented claims. As a result, the arrangements taught by a proper combination of Clay and Olson are less able to provide a desired control of the flow of articles. If a large number of articles are in close proximity to one another and quickly delivered into an

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accumulation system, the system taught by a proper combination of Clay and Olson can more readily jam, or provide an excessive amount of "dead time" during which no product is being delivered. Thus, the systems taught by a proper combination of Clay and Olson can be more susceptible to undesired disruptions of the accumulation system. In contrast, the accumulation system employed in Applicants' presently claimed invention can better provide a more effectively controlled article feed. The method and apparatus of the invention can automatically break down a large quantity of loose articles to substantially eliminate the need for manually feeding by an operator. For example, see Applicants' original disclosure at paragraph [75].

Additionally, a proper combination of Clay and Olson does not disclose or suggest an arrangement having a stationary plate member located operatively adjacent the exit end of the drum, and positioned relatively downstream from the metering drum, as called for by Applicants' claimed invention. The stationary plate can operatively cover or otherwise block an approximate, bottom half of an exit end opening of the drum. As a result, the second stationary plate can help prevent articles from falling out from the bottom-side of the drum while allowing the drum to rotate past the stationary plate. For example, see Applicants' original disclosure at paragraph [80].

A proper combination of Clay and Olson also fails to teach an arrangement having at least one lug member in the configurations called for by particular claims of Applicants. As a result, the arrangements taught by Clay and Olson would be less able to provide a desired throughput capability and would be more susceptible to excessive clogging. For example, see Applicants' original disclosure at paragraphs [84] and [89].

In addition, a proper combination of Clay and Olson would not disclose or suggest an arrangement having an exit ramp member which is operatively positioned to extend along an exit end of the metering drum, as called for by Applicants' particular claims. As a result, the arrangements taught by Clay and Olson would be less able to move an entrained article past the exit ramp without excessively contacting the drum exit ramp. Once the entrained article has been carried past the level of the exit ramp, the arrangements taught by Clay and Olson would be less able to move an article out of a metering drum. For example, see Applicants' original disclosure at paragraph [87].

A proper combination of Clay and Olson would also fail to disclose or suggest an arrangement in which the automating of the first-accumulator further includes selectively indexing a movable carriage between a first carriage position and at least a second carriage position, thereby providing a selected face-alignment of a datum surface of said first-type of individual articles, as called for by Applicants' claimed invention. Neither do Clay and Olson teach an arrangement in which the automating of the first-accumulator further includes identifying a presence of an appointed datum

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surface with respect to each end-article; and orienting each end-article so that both of the end-articles of the article-set have their datum surfaces positioned toward an interior of their corresponding article set, or both of the end-articles have their datum surfaces positioned toward an exterior of their corresponding article set, as called for by Applicants' currently presented claims. As a result, the arrangements taught by Clay and Olson would be less able to provide a desired accumulation of different types of individual articles.

It is, therefore, readily apparent that none of Clay, Olson or any proper combination thereof would disclose or suggest the invention called for by Applicants' currently presented claims. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

Claims 7-10 and 17-20 have been alleged to be unpatentable under 35 U.S.C. § 103 over U.S. Patent 6,658,813 to Clay and U.S. Patent 5,771,658 to Olson et al. (Olson), in view of U.S. Patent 3,311,216 to Jones. This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

Jones discloses an automatic egg handling apparatus which includes egg conveying means feeding random eggs to an egg accumulator means that includes distributor means that supplies eggs to grouping or row forming means. Downstream of the egg row forming means is row advancing means, egg row realignment means, and egg transfer means to depositor means.

Jones, however, fails to overcome the deficiencies of Clay and Olson. As a result, a proper combination of the cited references would still fail to teach the invention called for by Applicants' currently presented claims.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

The Examiner has withdrawn dependent claims 4-6 and 14-16 from consideration. In view of the amendments, however, it is submitted that these claims are also in form for allowance.

The prior art of record and not relied upon has been considered pertinent to Applicants' disclosure. It is readily apparent that such art does not disclose or suggest the invention called for by Applicants' currently presented claims.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of the currently presented claims are earnestly solicited.

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Additionally, the Examiner's attention is drawn to the Supplemental Information Disclosure Statements which were filed May 25, 2004 and July 8, 2004. The Examiner is requested to make of record receipt and review of the documents listed therein.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on January 12, 2005

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